INTRODUCTION

Jonathan Darby

Welcome to this week's Planning, Property and Environmental newsletter. At the danger of sounding like a broken record, it has been another busy week! As such, it might be worth highlighting two things that might have slipped under your radar. Earlier this week, the Inspectorate published a guide to participating in virtual events, which is essential reading for anyone gearing up to participate in their first remote hearing or inquiry, while yesterday's Written Ministerial Statement provides some welcome clarity in relation to planning protection for cultural venues, reduction in demolition PD rights and encouragement to extend seasonal conditions and caravan sites.

Contents

This week's newsletter features an article from Stephen Tromans QC with the latest from the CJEU on habitats and environmental damage, with a Post Script on COVID litter, as well as the first of two articles from Victoria Hutton, providing a 'light touch' but comprehensive round up of changes since March 2019 from a legal perspective, aimed particularly at those who have been off on furlough (or for any other reason). However, given so much has changed in such a short space of time, hopefully it will be useful to a broader audience. In this week's article, Victoria covers the following topics: Decision-taking and Planning Applications; Planning Permissions; Local Plans; Neighbourhood Plans; and Appeal Hearings.

In other news, our '39 from 39' webinar series continues apace. Next Wednesday (22nd), Stephen Tromans QC, Celina Colquhoun and Rachel Sullivan will be providing an environmental case law update, featuring discussion of some of the current hot topics and recent cases. Booking is made online via this link.

In the same vein, It is also worth drawing our readers' attention to an article written for the Journal of Environmental Law by Stephen Tromans QC, Ned Helme, Katherine Barnes, Adam Boukraa and Stephanie David on the most 'Significant UK Environmental Law Cases 2019 – 2020', which is available online.

OF TERNS AND HAMSTERS. HABITATS AND ENVIRONMENTAL DAMAGE: THE LATEST FROM THE CJEU, WITH A POST SCRIPT ON COVID LITTER

Stephen Tromans QC

Black Terns

The steady stream of jurisprudence on habitats law from the CJEU continues. The most recent case to be handed down by the Court, on 9 July, was Case C-297/19 *Naturschutzbund Deutschland – Landesverband Schleswig-Holstein eV.* The Court here considered a new point, relating to the Environmental Liability Directive (ELD). It concerned an area in Schleswig-Holstein which was designated as a European site on account of its population of the black tern. The area was subject to drainage for agricultural purposes, its drainage channels and watercourses being maintained by a number of soil and water associations, with a public law federal body above them. That body provided a pumping system which was activated automatically when water reached a certain level. A conservation NGO took the view that this was causing significant environmental damage and sought measures to limit and remedy that damage.

A key issue turned on the wording of an indent in Annex I to the ELD, which provides that among those matters that do not have to be classified as significant damage is "negative variations due to natural causes or resulting from intervention relating to the normal management of sites, as defined in habitat records or target documents or as carried on previously by owners or operators."

The first issue for the Court was how the phrase "normal management of sites, as defined in habitat records or target documents or as carried on previously by owners or operators" should be interpreted. The Court noted that these words gave member states discretion not to classify damage from such management as "significant". It went on to note that Art. 2(1)(a) of the ELD expressly excludes from the meaning of "environmental

damage" previously identified adverse effects resulting from an act by an operator which was expressly authorised by relevant authorities pursuant to Arts. 6(3) or 6(4) of the Habitats Directive. If the operations of the pumping station had been thus authorised, they would not be within the scope of the ELD.

The Court went on to note a discrepancy between the German and other language versions of the relevant provision in the ELD. In the German version, the word "normal" applied only to the word management, whereas in other versions it applied also to qualify the final words "carried on previously by owners or operators". The Court held that, in line with the approach of construing a possible exemption – and one which might involve considerable damage – narrowly, the word "normal" should qualify all the words, so as not to allow exemption merely because damage had been caused by previous measures, whether normal or not.

As a further example of the same approach, the Court construed "normal" as meaning not only "usual" or "common", but added that management could only be regarded as normal if it was consistent with good practice, such as agricultural good practice. Further, in the case of a site covered by the Habitats Directive or Birds Directive, management could only be regarded as normal if it complied with the objectives and obligations laid down in those Directives. The Court found a linkage between the term "habitat records or target documents" used in the ELD, and the obligations under the Habitats Directive, albeit that these words are not used in that Directive.

In summary, the Court stated that the concept of "normal management of sites" must be understood as encompassing any measure which enables good administration or organisation of sites hosting protected species or natural habitats provided that it is consistent with commonly accepted agricultural practices. Management of a site hosting protected species and natural habitats, as referred to in the Habitats Directive and the Birds Directive, can be regarded as 'normal' only if it complies with the objectives and obligations laid down in these Directives and, in particular, with all the management measures adopted on the basis of those directives, such as those contained in the habitat records and target documents. The Court held that normal management of a site may, in particular, include agricultural activities carried out on the site, including their essential complements such as irrigation and drainage and, therefore, the operation of a pumping station.

The Court stated, in addition, that a court called upon to assess whether or not a management measure is normal may, where the management documents for the site do not contain sufficient guidance, assess those documents in the light of the objectives and obligations laid down in the Habitats Directive and the Birds Directive and with the assistance of domestic legal rules that have been adopted to transpose those directives or, failing this, are compatible with the spirit and purpose of those directives.

Furthermore, the Court noted that normal management of a site may also result from a previous practice carried out by the owners or operators. The Court decided that this provision covers management measures which, on the date on which the damage occurs, had been carried out for a sufficiently long period of time and are generally recognised and established so that they may be regarded as usual for the site concerned, provided however that they do not call into question compliance with the objectives and obligations laid down in the Habitats Directive and the Birds Directive.

As regards the further question of whether an activity that a legal person governed by public law carries out in the public interest pursuant to a statutory assignment of tasks, such as the operation of a pumping station for the purpose of draining agricultural land, could constitute an "occupational activity", the Court confirmed that that term covers all activities carried out in an occupational context, as opposed to a purely personal or domestic context, irrespective of whether or not those activities are market related

or competitive in nature. It could therefore cover activities carried out in the public interest pursuant to a statutory scheme.

Discussion: The case explores an important issue of the relationship between the Habitats and Birds Directives and the ELD. The first point to note is that where there has been appropriate assessment under Article 6(3) of the Habitats Directive which has identified specific effects, and consent has been granted for the plan or project notwithstanding this, either because ad adverse effect on integrity could be ruled out, or under the IROPI derogation provisions of Article 6(4), the ELD is not in play. In other cases, there is the possibility of regarding damage from activities of normal management as carried on previously as not "significant" for the purposes of the ELD, even though it might be substantial. This could include agricultural and other related activities such as drainage or water abstraction, whether carried out by the private sector or by a statutory body. However, this is subject to the important caveat that as well as being established as normal activities for the site concerned, they are in accordance with any management documents under the Habitats and Birds Directives and are compatible with the objectives underlying those Directives. It may be that environmental groups in the UK could seek to use the case to challenge what might be seen as long-established practices affecting European protected sites.

Chlidonias niger

Grand Hamsters

The second case to note, handed down on 2 July, is Case C-477/19 *IE v Magistrat der Stadt Wien* and features an old legal friend, the European hamster, veteran of habitats litigation (see e.g Case C-383/09 *Commission v French Republic*, also known splendidly as the Grand Hamster of Alsace). The IE case concerned Art. 12(1)(d) of the Habitats Directive, which provides that Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV(a) in their natural range, prohibiting, among other things, "deterioration or destruction of breeding sites or resting places".

The facts may not be entirely unfamiliar to UK property specialists. A property developer, who employed IE, instigated work for the construction of a building on land in Vienna where the European hamster, a protected species, had settled. The owner of the land, who was aware of that fact, informed the property developer of this, and the developer appointed an environmental expert who drew up a map of the entrances to the European hamster burrows and determined, in a specific zone, whether the burrows were inhabited. However, before the building work was carried out, the property developer had the topsoil removed, the construction site cleared and a pathway to the construction site built in the immediate vicinity of the entrances to the European hamster burrows. The intention behind removing the topsoil was to cause the European hamster to relocate to areas which had been specially protected and reserved for it. However, prior authorisation for these harmful measures had not been sought from the competent authority and therefore had not been obtained before the work commenced. The City Council of Vienna took the view that IE, as an employee of the property developer, was responsible for the deterioration or destruction of resting places or breeding sites of the European hamster and, pursuant to national law, imposed on him a fine and, in default, a custodial sentence.

The question, a practically important one, was the interpretation of "resting place" and whether it extended to burrows which had been abandoned. The CJEU reiterated that in order to comply with Article 12(1), Member States are required not only to adopt a comprehensive legislative framework but also to implement concrete and specific protection measures. Similarly, the system of strict protection presupposes the adoption of coherent and coordinated measures of a preventive nature. Such a system of strict protection must therefore make it possible to prevent effectively the deterioration or destruction of breeding sites or resting places of the listed species.

The Court noted that unlike the acts referred to in Article 12(1)(a) to (c) of the Directive, the acts covered by the prohibition laid down in Article 12(1)(d) do not relate to animal species directly but seek to protect significant parts of their habitats. It followed that the aim of the strict protection offered by Article 12(1)(d) is" to ensure that significant parts of the habitats of protected animal species are preserved so that those species can enjoy the conditions essential for, inter alia, resting in those habitats." The same conclusion flowed from a reading of Commission guidance, which states that resting places – defined as the areas essential to sustain an animal or group of animals when they are not active – "also need to be protected when they are not being used, but where there is a reasonably high probability that the species concerned will return to these... places". Consequently, it was apparent from the context of Article 12(1)(d) that resting places which are no longer occupied by a protected animal species must not be allowed to deteriorate or be destroyed since that species may return to such places. The scheme of protection laid down in Article 12 must be sufficient effectively to prevent interference with protected animal species and, in particular, their habitats and accordingly the Court found that it would not be compatible with that objective to deny protection for resting places of a protected animal species where they are no longer occupied but where there is a sufficiently high probability that that species will return to such places, which is a matter for the referring court to determine. Whether there is such a sufficiently high probability that the species will return to such places will be a matter for the national court to determine.

the facts are trite – the CJEU has taken a robust line and common sense approach on the protection of the homes of protected species, which will no doubt be objectionable to the development lobby and portrayed as inconvenient,

but which ecologically seems entirely justified.
Cricetus cricetus aka The Grand Hamster of Alsace

Overall comments

For a few years now, since the Brexit referendum vote, I have been saying that in the event of a "hard Brexit" (which now seems inevitable), EU rules on habitat and species protection will be vulnerable to being watered down. One could now probably add EIA and SEA to that list of endangered species. What no-one could have foreseen at the time of the Brexit vote was a wrecked economy, a PM in thrall to an adviser hell bent on demolishing the planning system, and an agenda of "Build, build, build" as the dubious panacea. If newt counting is regarded as a tiresome obstacle, so would almost certainly be black tern preservation and European hamster burrow safeguarding. I have read CJEU judgments over some decades now, often

bemused and sometimes on the wrong end of them in court, but generally with admiration of their creativity and determination to make Directives work to protect the environment. These cases have just got under the wire as EU retained law before 31 December – there may not be too many more. It is worth noting the current consultation on changing the status of such decisions. Under the original Withdrawal Act they would remain binding on all courts below the Supremes, who may depart from them on the same principles as their own decisions, i.e. if it seems right to do so. The Government is now contemplating giving the Court of Appeal, and possibly the High Court, the same ability, "to allow a more rapid development of retained EU law". The prospect then arises of a possible free for all on the status and correctness of a huge body of established case law. The courts are going to be busy.

Post-Script: a completely different but important matter

In previous editions, I have canvassed, not always entirely seriously in the case of the fly-tipped sex dolls, the local environmental effects of the Pandemic. With the imposition of compulsory mask wearing, one suspects we may now be entering a new and appalling era of discarded masks appearing in large numbers in public places, beaches and the countryside, presenting not only the usual issues associated with litter, but also a serious bio-hazard. World-wide, one would imagine the amount of plastic waste associated with disposable single use items and PPE must have skyrocketed.

In France there is a worrying trend of COVID marine litter, masks and latex gloves, being found on the seabed and seashore. Similar problems have been reported in the Middle East. Masks have a lifetime of 450 years in the environment. The Guardian has reported: https://www.theguardian.com/environment/2020/jun/08/more-masks-than-jellyfish-coronavirus-waste-ends-up-in-ocean

> Conservationists have warned that the coronavirus pandemic could spark a surge in ocean pollution – adding to a glut of plastic waste that already threatens marine life – after finding disposable masks floating like jellyfish and waterlogged latex gloves scattered across seabeds. The French non-profit Opération Mer Propre, whose activities include regularly picking up litter along the Côte d'Azur, began sounding the alarm late last month. Divers had found what Joffrey Peltier of the organisation described as "Covid waste" – dozens of gloves, masks and bottles of hand sanitiser beneath the waves of the Mediterranean, mixed in with the usual litter of disposable cups and aluminium cans.

It is only a matter of time before we see similar or worse problems in the UK. France has imposed €135 fines for discarding such litter. The Government here should get ahead of this problem and nip it in the bud.

WHAT HAVE I MISSED? A SUMMARY OF THE 'NEW NORMAL' IN THE PLANNING WORLD PART 1

Victoria Hutton

Decision-taking and Planning Applications

Decision-taking by Planning Committees

Local Planning Authorities were given powers to hold virtual planning committees by the **Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales) Regulations 2020.** These apply to all local authority meetings up to 7 May 2021.

Although the Regulations apply universally to LPAs, decision making processes are tending to vary from local authority to local authority. Some have made changes to their Constitutions to allow for different decision-making procedures (for example for more decisions to be taken by officers) some are purporting to act under emergency powers. There appears to be a broad spectrum when it comes to the effectiveness of procedures used by

any given authority.

Publicity and consultation for planning applications

Temporary changes to the publicity requirements for certain planning applications were made through the **Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020.**[1] They apply to:

a. Applications for planning permission made to local planning authorities (including applications for EIA development with an ES).
b. Applications for listed building consent.
c. Applications for planning permission affecting the setting of a listed building or the character or appearance of a conservation area made to local planning authorities.
d. Applications made by local planning authorities to the Secretary of State for listed building consent for the demolition, alteration or extension of a listed building.
e. Applications for planning permission or a subsequent application for EIA development which has been made without an environmental statement, where the applicant proposes to submit such a statement.
f. Submission of further information to supplement an environmental statement.

The Regulations enable local authorities who are unable to give requisite notice of various applications by site display or by serving notice on adjoining owners or occupiers or by publication in a newspaper to instead publicise the notice by electronic means.

The Regulations also extend the minimum time local planning authorities must give in a newspaper notice and on their website for representations from 14 to 21 days (or longer where the period includes public or bank holidays). The period of 30 days for EIA applications has not been amended.

The Regulations make provision that where a planning authority is not able to make arrangements for physical inspection of applications for planning permission and associated documents due to reasons connected to the effects of coronavirus it is not required to do so. However, it must make the planning register available on its website.

In answer to the question 'Under the temporary publicity requirements, what is a local planning authority or an applicant required to do?' the PPG states:

> '*The temporary publicity requirements still require local planning authorities (and in the case of certain applications for EIA development, applicants or recipients of further information) to publicise planning applications so that those with an interest can make representations and effectively participate in the decision-making process. Consultation, transparency and community engagement are key to effective decision-making in local planning authorities.*
>
> *The temporary changes give local planning authorities greater flexibility in how they publicise certain planning applications during the response to coronavirus. Table 1 sets out the specific publicity requirements for different types of application. If a local planning authority is able to comply with one or more of these specific requirements to publicise an application by site display or by serving the notice on an adjoining owner or occupier, or publishing the notice in a local newspaper, the authority must comply with that requirement. For example, if there is currently a local newspaper in circulation in which the authority can publish the notice, they must do so (if that is a requirement.)*
>
> *However, if the authority is not able to comply*

1 These Regulations amend: (a) the Town and Country Planning (Development Management Procedure) (England) Order 2015, (b) the Planning (Listed Building and Conservation Areas) Regulations 1990, (c) the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

with a requirement which applies to that application because it is not reasonably practicable for reasons connected to the effects of coronavirus, including restrictions on movement, the authority must take reasonable steps to inform any persons who are likely to have an interest in the application of the website where notice of the application can be found. Those steps may include use of social media and communication by electronic means and must be proportionate to the scale and impact of the development.' [2]

In answer to the question 'What other reasonable action does a local authority need to take if it cannot comply with a requirement to display site notices, issue neighbor notification letters, or use newspaper publicity?' the PPG states:

'If a local planning authority is not able to comply with a particular requirement to give notice by these means, the authority must take reasonable steps to inform any persons who are likely to have an interest in the application of the website where details about the application can be found. Those steps may include use of social media and communication by electronic means and must be proportionate to the scale and impact of the development.

Forms of electronic communication might include, but are not limited to:

- *council mailing lists*
- *using social media such as Facebook and Twitter*
- *using the local authority's website*
- *using local online newspapers*
- *issuing a weekly press bulletin*
- *informing local neighbourhood forums and parish/town councils by email*
- *informing local community, amenity and environmental groups by email*

Local planning authorities will also wish to consider other methods of local communication to bring applications to the attention of those who are likely to have an interest in the application but may not have internet access. This will help to provide them with information that would enable them to make relevant representations. Examples could include local community newsletters, local radio stations, adverts outside council offices and other public buildings, and the use of community noticeboards at supermarkets and other local centres or a method of publicity which is one of the existing statutory methods of publicity even though it is not required for that particular application.' [3]

The PPG addresses further questions such as:

a. 'What should a local planning authority do if a newspaper is not currently in circulation in the area?' (paragraph 39)

b. 'How should a local planning authority determine which people are likely to have an interest in an application if it needs to take other reasonable action?' (paragraph 40)

c. 'What issues should a local planning authority consider in ensuring the reasonable steps they take are proportionate to the scale and impact of the development?' (paragraph 41)

Amendments have also been made to the requirement on applicants to publicise an environmental statement submitted after the planning application has been submitted. The requirement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was to publicise the ES through giving notice by site display and publication in a local newspaper. Now, if the applicant is unable to do this because it is not reasonably practicable for reasons connected to the effects of coronavirus then it can publicise the notice by alternative means, including through a website. Further, the applicant is not required to have a copy of the ES available at an address in the vicinity or to provide physical copies on request. Rather it must make the documents

2 Paragraph 037 Ref ID: 15-037-20200513: https://www.gov.uk/guidance/consultation-and-pre-decision-matters#covid19

3 Paragraph 038, Reference ID: 15-038-20200513: https://www.gov.uk/guidance/consultation-and-pre-decision-matters#covid19

available for inspection on the internet.
In answer to the question 'What alternative means of publicity should an applicant for EIA development take to publicise an environmental statement?' the PPG states:

> *Under the temporary publicity requirements, an applicant for EIA development (who cannot place a site notice or a notice in a local newspaper due to the effects of coronavirus) must take other reasonable steps to inform any persons who are likely to have an interest in a planning application to which an environmental statement relates. This may include use of social media and communication by other electronic means and must be proportionate to the scale and impact of the development (see also paragraph 38 above).*
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> *The notice published through these alternative means must state the website at which documents related to the application can be viewed online.*[4]

The Business and Planning Bill[5] (laid before Parliament on 25 June 2020) seeks to give the Mayor flexibility (for a temporary period) to make the London Plan available for inspection electronically rather than having to make a physical copy available at the GLA offices and to distribute hard copies where requested.

Planning Permissions

On 25 June 2020 the Government introduced the **Business and Planning Bill**[6] to Parliament. It has not yet come into force and needs to progress through the parliamentary procedure. However, one of the amendments it proposes is to extend the expiration of certain planning permissions and listed building consents until 1 April 2021.[7] The intention is that the provisions will have retrospective effect and will therefore 'resurrect' permission which have expired since 23 March 2020. However, the resurrection of permissions will be subject to 'additional environmental approval'. An additional environmental approval will be granted where an LPA is satisfied that any Environmental Statement or Habitats Statement remains up to date. The new legislation provides for applications for additional environmental approvals. If the relevant LPA does not respond within 28 days (subject to any extension being agreed in writing) then the additional environmental approval is deemed to be granted.

Local Plans

The Government's 'Coronavirus (COVID-19): planning update'[8] published on 13 May 2020 states:

> *'We continue to want to see Local Plans progressing through the system as a vital means for supporting economic recovery in line with the government's aspirations to have plans in place across the country by 2023. We recognise the challenges that some local authorities may face, and are working on ways to address this, from actively exploring options to achieve online inspection of documents being the default position to engaging with the Planning Inspectorate on the use of virtual hearings and written submissions. We have also issued additional planning guidance on reviewing and updating Statements of Community Involvement.'*

On 28 May 2020 PINS issued a statement that it was currently working 'with two local authorities to hold local plan hearing sessions as digital events (by video/telephone conference)'.[9] It states that PINS 'will look at phasing this in for other local plan examinations, building on the experience from digital pilots across the organization and elsewhere.'

4 Paragraph 050 Reference ID 15-050-20200513, https://www.gov.uk/guidance/consultation-and-pre-decision-matters#covid19
5 https://services.parliament.uk/bills/2019-21/businessandplanning.html
6 https://services.parliament.uk/bills/2019-21/businessandplanning.html
7 By inserting three new sections (93A, 93B, and 93C) into the Town and Country Planning Act 1990
8 https://www.gov.uk/guidance/coronavirus-covid-19-planning-update#virtual-planning-committees
9 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/888116/Coronavirus_-_local_plans_revised_28_May_2020.pdf

It is clear that a key factor in whether any individual local plan proceeds by digital event will be the co-operation of the parties, Programme Officers and Inspectors. The note states:

> *'The WMS states that Government expects everyone engaged in the planning process to engage proactively. We request that Programme Officers, local authorities and all participants use their best endeavours to work with the Inspector to help progress examinations, collectively putting in place the practical measures needed to ensure fair participation. Ultimately, decisions about how to move examinations forward are at the discretion of the Inspector appointed to hold the independent examination. It is also important for us all to appreciate that things may not always go smoothly and that progress may sometimes be delayed, despite collective best efforts.'*

Neighborhood Plans

The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 have suspended the holding of elections and referendums up until May 2021. This includes neighbourhood plan referendums.

On 7 April 2020, the PPG was amended to set out that neighbourhood plans awaiting referendums can be given significant weight in decision-making.[10]

With regards to public consultation of neighbourhood plans now state:

> *'The Neighbourhood Planning (General) Regulations 2012 require neighbourhood planning groups and local planning authorities to undertake publicity in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area at particular stages of the process. It is not mandatory that engagement is undertaken using face-to-face methods. However, to demonstrate that all groups in the community have been sufficiently engaged, such as with those without internet access, more targeted methods may be needed including by telephone or in writing. Local planning authorities may be able to advise neighbourhood planning groups on suitable methods and how to reach certain groups in the community.*
>
> *There are also requirements in the Neighbourhood Planning (General) Regulations 2012 that require at some stages of the process for neighbourhood planning groups and local planning authorities to publicise the neighbourhood planning proposal and publish details of where and when documents can be inspected. It is not mandatory for copies of documents to be made available at a physical location. They may be held available online. Local planning authorities may be able to advise neighbourhood planning groups on suitable methods that will provide communities with access to physical copies of documents.'*[11]

Appeal Hearings

PINS has published a series of 'detailed guidance' papers relating to the hearing of appeals, local plan examinations and NSIP events. The Planning Appeals, Rights of Way and Commons Act 2006 – site visits, hearings and inquiries' guidance was last updated (at the time of writing) on 28 May 2020.[12] Key points are:

a. PINS is continuing to arrange site visits where it is safe to do so;

b. PINS' current position is that 'physical events' cannot be undertaken safely. No face-to-face inquiries or hearings will be arranged for the foreseeable future;

c. The first fully virtual hearing took place on Monday 11 May as a pilot. At least 10 hearings were to be held virtually in June;

10 https://www.gov.uk/guidance/neighbourhood-planning--2#covid-19
11 https://www.gov.uk/guidance/neighbourhood-planning--2#covid-19
12 https://www.gov.uk/guidance/coronavirus-covid-19-planning-inspectorate-guidance

and

d. Around 10 planning inquiries were due to be held in June. Remaining inquiries are to be re-arranged at the earliest opportunity.

The **Business and Planning Bill**[13] (laid before Parliament on 25 June 2020) seeks to give flexibility to PINS to use a mixture of written representations, hearings and inquiries when deciding an appeal.

13 https://services.parliament.uk/bills/2019-21/businessandplanning.html

CONTRIBUTORS

Stephen Tromans QC

stephen.tromans@39essex.com

Stephen is recognised as a leading practitioner in environmental, energy and planning law. His clients include major utilities and industrial companies in the UK and elsewhere, banks, insurers, Government departments and agencies, local authorities, NGOs and individuals. He has been involved in some of the leading cases in matters such as environmental impact assessment, habitats, nuisance, and waste, in key projects such as proposals for new nuclear powerstations, and in high-profile incidents such as the Buncefield explosion and the Trafigura case. To view full CV click here.

Victoria Hutton

victoria.hutton@39essex.com

Victoria has extensive experience in planning, environmental and property law. She has consistently been rated as one of the top planning juniors under 35 by Planning Magazine. Victoria acts in a wide range of planning and environmental law matters for developers, local authorities and other interested parties. She is also a qualified mediator and is able to mediate between parties on any planning/environmental dispute. Her work in 2016/17 includes: representing a major housing developer in objecting to the Silvertown Tunnel DCO (junior to James Strachan QC), representing Natural Resources Wales at a 20 week inquiry into the diversion of the M4 (with Richard Wald), acting for the Secretary of State for Communities and Local Government in a number of statutory challenges and representing a developer in relation to multiple retail schemes across the country including those at appeal. Victoria was appointed to the Attorney General's C Panel of Counsel in 2016. To view full CV click here.

Jonathan Darby

jon.darby@39essex.com

Jon is ranked by Chambers & Partners as a leading junior for planning law and is listed as one of the top planning juniors in the Planning Magazine's annual survey. Frequently instructed as both sole and junior counsel, Jon advises developers, consultants, local authorities, objectors, third party interest groups and private clients on all aspects of the planning process, including planning enforcement (both inquiries and criminal proceedings), planning appeals (inquiries, hearings and written representations), development plan examinations, injunctions, and criminal prosecutions under the Environmental Protection Act 1990. Jon is currently instructed by the Department for Transport as part of the legal team advising on a wide variety of aspects of the HS2 project and has previously undertaken secondments to local authorities, where he advised on a range of planning and environmental matters including highways, compulsory purchase and rights of way. Jon also provides advice and representation in nuisance claims (public and private), boundary disputes and Land Registration Tribunal matters. To view full CV click here.